

MEMORANDUM ENDORSEMENT

Conde v. Mid Hudson Regional Hospital Medical Center
22 CV 2085 (VB)

3085
The Court is in receipt of plaintiff's attached motion for extension of time to file notice of appeal. The motion was filed on February 13, 2024. (Doc. #46).

Plaintiff, proceeding pro se, states: "I would like to appeal the judgment entered in this action on Jan 15, 2024 but did not file a notice of appeal within the required time period because: Awaiting determination of whether US Supreme Court will grant certiorari in Religious Liberty v. City of New York on same arguments I would raise on appeal to determine if appeal is viable." The Judgment in this case was actually entered on January 16, 2024. (Doc. #45). Pursuant to Federal Rule of Appellate Procedure 4(a)(1)(A), the deadline for plaintiff to file a notice of appeal is 30 days after entry of judgment, which in this case would be February 15, 2024.

Rule 4(a)(5) permits a district court to extend the time to file a notice of appeal if the party shows "excusable neglect or good cause."

The reason plaintiff gives for seeking an extension of time to file a notice of appeal does not constitute excusable neglect or good cause. Plaintiff is not entitled to an open-ended extension of time to file a notice of appeal while she waits for another court to resolve a separate case that she believes bears on the viability of an appeal in this matter.

However, in consideration of plaintiff's pro se status, her apparent confusion about the deadline for filing a notice of appeal, and the fact that she sought an extension of time prior to the expiration of the 30-day deadline, the Court grants plaintiff until March 15, 2024, to file a notice of appeal with the district court clerk. To be clear, if plaintiff wishes to appeal the Judgment entered in this case, she must file her notice of appeal by no later than **March 15, 2024**.

The Clerk is instructed to terminate the motion. (Doc. #46).

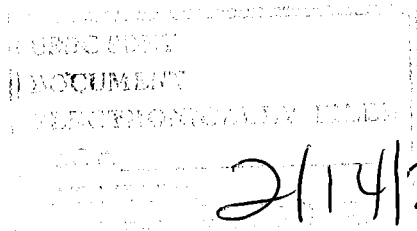
Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: February 14, 2024
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge



Copies Mailed/Faxed
Chambers of Vincent L. Briccetti

2/14/24



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Usha Conde

(List the full name(s) of the plaintiff(s)/petitioner(s).)

22 CV3085 (vb)()

-against-

**MOTION FOR EXTENSION
OF TIME TO FILE NOTICE
OF APPEAL**

Mid Hudson Regional Hospital Medical Center

and Jordy Rabinowitz

(List the full name(s) of the defendant(s)/respondent(s).)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: Feb 13 2024

I move under Rule 4(a)(5) of the Federal Rules of Appellate Procedure for an extension of time to file a notice of appeal in this action. I would like to appeal the judgment entered in this action on Jan 15 2024 but did not file a notice of appeal within the required date time period because:

Awaiting Determination of whether US Supreme Court will grant certiorari in Religious Liberty v. City of New York on same arguments I

would raise on appeal to determine if appeal is viable.

(Explain here the excusable neglect or good cause that led to your failure to file a timely notice of appeal.)

2/13/2024

Dated:

Usha Conde

Signature

Conde, Usha

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